content of a Television Channel is decided upon by the broadcasters who presumably take the choice of the majority of viewers into account. Government does not interfere in selection of content broadcast by the Television channels. However, the broadcasters are obliged to abide by the Programme and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder. The consumers have a wide choice of channels and the Govt. has taken steps to formulate policies to give encouragement to diverse regional and linguistic channels which can be distributed on a variety of platforms like Cable, Direct to Home, Internet Protocol Television etc.

Violation of TRAI guidelines on Bouquet price

575. SHRI M. V. MYSURA REDDY: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether it is a fact that as per Telecom Regulatory Authority of India's (TRAIs) formula for pricing contents on DTH platform entails that all pay channel broadcasters should charge DTH operators only up to 50 per cent of the bouquet price they charge to cable operators in non-CAS area;

(b) if so, whether it is also a fact that majority of pay channel broadcasters are charging between 55 per cent -115 per cent more from DTH companies;

(c) whether it is in violation of the TRAI's pricing formula; and

(d) if so, what action TRAI is planning to take against the pay channel broadcasters?

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI ANAND SHARMA): (a) Yes, Sir. The rate of bouquets and a-la-carte rates of pay channels offered by broadcasters to the DTH operators are not to exceed 50 per cent of the rates at which these bouquets/channels are being offered by them for non-CAS cable distribution.

(b) and (c) In compliance of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 as amended, all pay channels broadcasters have filed their Reference Interconnect Offers (RIOs) with the TRAI. As per these RIOs filed by the broadcasters, all broadcasters except M/s ESPN Software India Pvt. Ltd. are offering their bouquets/channels at fifty per cent of the rates at which these bouquets/channels are being offered by them for non-CAS cable distribution.

(d) TRAI had issued a Direction on 24th June, 2008 directing M/s ESPN Software India Pvt. Ltd., to offer the DTH operators the bouquets/channels at fifty per cent of the rates at which such bouquets/channels are being offered for non-CAS cable distribution.

As M/s ESPN Software India Pvt. Ltd. did not comply with the Direction dated 24th June, 2008, TRAI recommended to the Government to consider taking the following actions against M/s ESPN Software India Pvt. Ltd.:

(a) initiating action for revoking the registration of the channels under uplinking/downlinking guidelines;

(b) suspending, with immediate effect, the registration of the said channels of M/s ESPN Software India Pvt. Ltd., pending action as contemplated in sub-paragraph (a) above by giving them advance notice in terms of clause 6.2.1 of the Downlinking Guidelines; and

(c) issuing a direction to all the DTH licensees to stop carrying the channels of M/s ESPN Software India Pvt. Ltd. in terms of clause 6.5 of the DTH license agreement.

TRAI has also filed a complaint in the court of Chief Metropolitan Magistrate Delhi, on 6th August, 2008 as per Section 34 of the TRAI Act 1997. The Court has also taken cognizance of the complaint filed by TRAI.

Gujarat Industrial Park Ordinance

576. SHRI KANJIBHAI PATEL:
SHRI VIJAYKUMAR RUPANI:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to refer to the answer to Unstarred Question 1347 given in the Rajya Sabha on 12th March, 2008 and state:

(a) whether the Government of Gujarat has written on 5th February, 2008 to consider the early approval on the Gujarat Industrial Park Ordinance;

(b) if so, the reaction of the Government thereon;

(c) whether it is a fact that in May, 2003, a workshop was held on the said ordinance which was attended by the Union Labour Secretary, representatives from labour intensive industries and professional organisations and inspite of the fact that the ordinance had received all round appreciation, the Central Government has not been able to give its approval; and

(d) if so, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) Yes, Sir.

(b) The Government of Gujarat has been informed that mutual consultation and consensus are the key ingredients. The Government of India is not in a position to agree with the proposal of Industrial Park Ordinance unless a consensus is reached with the social partners in the State. Therefore, the Government of Gujarat may send a revised proposal in keeping with the suggestions of the Government and after due consultation of the representatives of Central Trade Unions and Employers functioning in the State.

(c) and (d) As per information available no such workshop was held in May, 2003. However, a meeting was held on 12.08.2005 under the Chairpersonship of Chief Secretary, Government of Gujarat which was attended by Secretary and other senior officers of Ministry of Labour and Employment. After deliberations, the following broad consensus emerged:

(i) Government of Gujarat will define "Industrial Park" in a more specific manner so as to cover labour intensive industries like apparel, gems & jewellery and the electronics manufacturing industries only; and

(ii) Any proposal to seek relaxation in the application of labour laws by the Government of Gujarat from the Government of India should be sent only after these have been discussed with the Central Trade Unions functioning in the State and a consensus has been reached.